



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 23 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

G & S Foundry & Manufacturing Co., Inc.
c/o Charles Wasem III, Registered Agent
210 Kaskaskia Drive
Red Bud, Illinois 62278

Re: Finding of Violation
G & S Foundry & Manufacturing Co., Inc.
Red Bud, Illinois

Dear Mr. Wassem:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to G & S Foundry & Manufacturing Co., Inc., (you) under Section 113(a)(3) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(3). We find that you have violated or are violating the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources at your Red Bud, Illinois facility.

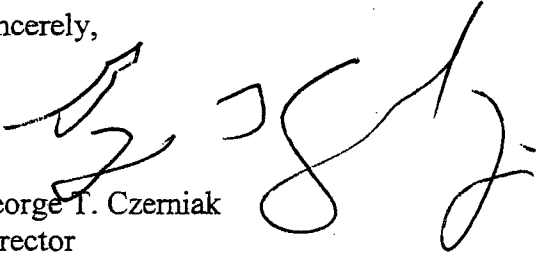
Section 113 of the CAA gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter. If you are represented by counsel, your attorney may contact Catherine Garypie, Associate Regional Counsel, at (312) 886-5825, with any questions.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Eric Jones, Illinois EPA

Ronald Speiser, Quality Manager
G & S Foundry & Manufacturing Co., Inc.
210 Kaskaskia Drive
Red Bud, IL 62278

G & S Foundry & Manufacturing Co., Inc.
c/o Robert E. Eggman, Esq., Debtor's Counsel
Desai Eggman Mason
7733 Forsyth Blvd., Suite 800
Clayton, MO 63105

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

G & S Foundry & Manufacturing Co., Inc.
Red Bud, Illinois

Proceedings Pursuant to Section 113(a)(3)
of the Clean Air Act, 42 U.S.C. § 7413(a)(3)

FINDING OF VIOLATION

EPA-5-15-IL-11

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Finding of Violation (FOV) to G & S Foundry & Manufacturing Co., Inc. (G & S or you) to notify you that we have found violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671q, and its implementing regulations at your facility located at 210 Kaskaskia Drive, Red Bud, Illinois (the Facility). The relevant statutory and regulatory background, factual background, finding of violations, and environmental impact of these violations are set forth in detail below.

This FOV is issued in accordance with Sections 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), which authorize the Administrator to take certain enforcement actions after notifying a person that it is in violation of the CAA. The authority to issue this FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants

1. Section 112 of the Act, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAP) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).
2. "Hazardous air pollutant" means "any air pollutant listed in or pursuant to" Section 112(b) of the Act. 42 U.S.C. § 7412(a)(6).
3. "Major sources" means any stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. 42 U.S.C. § 7412(a)(1).
4. "Area source" means any stationary source of hazardous air pollutants (HAPs) that is not a major source. 42 U.S.C. § 7412(a)(2).

5. 40 C.F.R. Part 63, Subpart A, contains the General Provisions for the NESHAP.
6. 40 C.F.R. § 63.9(b)(2) states in part "The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard..."
7. 40 C.F.R. § 63.9(b)(2)(i) through (iv) provides the specific information required in the initial notification of applicability.

The NESHAP for Iron and Steel Foundries Area Sources

8. 40 C.F.R. § 63.10880(a) states that you are subject to this subpart if you own or operate an iron and steel foundry that is an area source of HAP emissions.
9. 40 C.F.R. § 63.10880(b) states, "This subpart applied to each new or existing affected source. The affected source is each iron and steel foundry."
10. 40 C.F.R. § 63.10880(b)(1) states, "An affected source is existing if you commenced construction or reconstruction of the affected source before September 17, 2007."
11. 40 C.F.R. § 63.10880(f) states in part that for existing affected sources, "If the metal melt production for calendar year 2008 is 20,000 tons or less, your area source is a small foundry." and "You must submit a written notification to the Administrator that identifies your area source as a small foundry or a large foundry no later than January 2, 2009."
12. 40 C.F.R. § 63.10881(a) states, "If you own or operate an existing affected source, you must achieve compliance with the applicable provisions of this subpart by the dates in paragraphs (a)(1) through (3) of this section."
13. 40 C.F.R. § 63.10881(a)(1) states, that the compliance dates are "Not later than January 2, 2009 for the pollution prevention management practices for metallic scrap in § 63.10885(a) and binder formulations in § 63.10886."
14. 40 C.F.R. § 63.10890(a) states, "You must comply with the pollution prevention management practices for metallic scrap and mercury switches in § 63.10885 and binder formulations in § 63.10886."
15. 40 C.F.R. § 63.10890(b) states, "You must submit an initial notification of applicability according to § 63.9(b)(2)."
16. 40 C.F.R. § 63.10890(c) states, "You must submit a notification of compliance status according to § 63.9(h)(1)(i). You must send the notification of compliance status before the close of business on the 30th day after the applicable compliance date specified in § 63.10881."

Relevant Factual Background

17. G & S owns and operates an iron foundry located at 210 Kaskaskia Drive, Red Bud, Illinois (the Facility).
18. The Facility was constructed prior to September 17, 2007.
19. The Facility is an area source of HAPs.
20. The Facility is an existing affected source for the NESHAP for Iron and Steel Foundries Area Sources (NESHAP ZZZZZ).
21. The Facility meets the definition of small foundry for compliance with NESHAP ZZZZZ.
22. On April 21, 2014, EPA conducted an inspection at the Facility.
23. On August 1, 2014, EPA issued an information request to G & S pursuant to Section 114 of the Act, 42 U.S.C. § 7414 (Section 114 Information Request).
24. On November 3, 2014, G & S responded to the Section 114 Information Request.
25. On January 21, 2015, G & S submitted a "NESHAP Subpart ZZZZZ Notification of Applicability" letter and a "NESHAP Subpart ZZZZZ Notification of Compliance" letter.

Alleged Violations

26. G & S failed to submit a written notification identifying the Facility as a small foundry under NESHAP ZZZZZ until January 21, 2015, in violation of 40 C.F.R. § 63.10880(f).
27. G & S failed to submit an initial notification of applicability until January 21, 2015, in violation of 40 C.F.R. § 63.10890(b).
28. G & S failed to include all required information, pursuant to 40 C.F.R. § 63.9(b)(2), in the January 21, 2015, notification of applicability. This is a violation of 40 C.F.R. §§ 63.9(b)(2) and 63.10890(b).
29. G & S failed to submit a notification of compliance status until January 21, 2015, in violation of 40 C.F.R. § 63.10890(c).
30. G & S failed to include all required information, pursuant to 40 C.F.R. §§ 63.9(h)(1-4) and 63.10890(c), in the January 21, 2015, notification of compliance status. This is a violation of 40 C.F.R. §§ 63.9(h)(1-4) and 63.10890(c).
31. G & S failed to operate under a metallic scrap management program for general iron and scrap from January 2, 2009 through at least January 21, 2015, in violation of 40 C.F.R. §§ 63.10885 and 63.10890(a)(2).

Environmental Impact of Violations

32. These violations have caused or can cause excess emissions of HAPs including dioxins, lead, nickel, manganese, and chromium compounds.
33. The HAPs listed above cause adverse health effects. Dioxins are suspected human carcinogens. In addition, people exposed to dioxins can experience changes in hormone levels. The metal HAPs, including lead, nickel, manganese and chromium compounds, are known or suspected to cause cancer and/or neurological problems in humans.

Date

6/23/15

George T. Czerniak

Director

Air and Radiation Division

CERTIFICATE OF MAILING

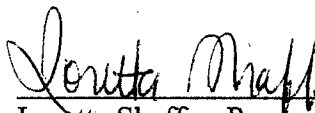
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-15-IL-11, by Certified Mail, Return Receipt Requested, to:

G & S Foundry & Manufacturing Co., Inc.
c/o Charles Wasem III, Registered Agent
210 Kaskaskia Drive
Red Bud, Illinois 62278

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Eric Jones, Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 24 day of June 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 5168